

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Jeffrey ALNWICK**

Serial No: **09/616,531**

Filed : **July 14, 2000**

For : **QUICK ORDER SYSTEM FOR COMPUTER PARTS**



Group Art Unit: **3625**

Examiner: **C. Nguyen**

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AUG 5 - 2004**

**GROUP 3600**

Sir:

Responsive to the restriction requirement mailed on June 3, 2004, applicant elects the subject matter recited in Species A, namely, claims 1-11, 13-16, 24, 26-35 and 37-40.

The undersigned takes issue with the fact that the Examiner has promulgated a restriction requirement this late in the prosecution history of the present application.

As reviewed by the Examiner prior to the issuance of an Office Action mailed on September 8, 2003, the claims contained in the application recited both system and method claims. The Examiner reviewed all of these claims and indicated that claims 1-8, 15 and 17-21 were allowed, claims 12, 25-27, 29, 30, 36 and 42 were objected to as containing allowable subject matter but were dependent from a rejected claim, and the remaining claims were rejected. Therefore, it is clear that the Examiner reviewed both the method and system claims prior to issuing this Office Action. The Office Action of September 8, 2003 went on to indicate that the allowable claims "do not anticipate nor fairly and reasonably teach an environment of Internet ordering product and shipment said product to a client of a customer, comprising a blind packaging slip provided with the return address of the customer." The Examiner indicated that these allowable claims were patentably distinct over U.S. Patent 5,822,737, issued to Orgram, as well as U.S. Patent 6,154,738 and 6,516,302, issued to Call and Deaton et al., respectively. Based

upon the Examiner's reasons for allowance, all of the claims included in an Amendment filed on March 10, 2004 directly or indirectly recited either a system or method for including a blind packaging slip provided with the return address of the customer.

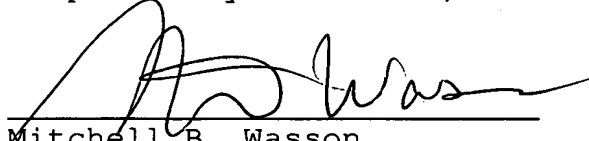
The Examiner then issued the restriction requirement mailed on June 3, 2004 and stated that a supplemental search was conducted by the Examiner and this feature was shown in the Orgram patent which the Examiner specifically indicated in the Office Action of September 8, 2003 did not teach the patentable subject matter of this "blind packing slip."

Since the system claims and the method claims recite similar subject matter, albeit in slightly different form, it is not understood how more than one invention is recited in the claims. Additionally, since the Examiner had already researched all of the claims in issuing the Office Action of September 8, 2003, the inclusion of all of the claims in a single application was not burdensome on the Examiner.

Therefore, although applicant has elected Species A, as required, applicant does traverse the requirement of making such an election, since it is maintained that only a single invention is recited in both the method and system claims.

The undersigned is enclosing a check in the amount of \$55.00 to cover the cost of a one month extension of time. Please deduct any additional amount required by the filing of this Response to the Restriction Requirement from our Deposit Account 08-2455, or add any overage to this Deposit Account.

Respectfully submitted,



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